

RICK A YARNALL
Chapter 13 Bankruptcy Trustee
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
CHRISTOPHER DAWON KINDLE,
Debtor.

BK-S-23-10519-MKN
Chapter 13

Hearing Date: April 27, 2023
Hearing Time: 1:30 P.M.

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN COMBINED WITH
TRUSTEE'S REQUEST FOR DISMISSAL**

Comes now, Chapter 13 Bankruptcy Trustee, Rick A. Yarnall, and hereby objects to confirmation of the Chapter 13 Plan and recommends that confirmation be denied and the case dismissed.

On February 14, 2023, the instant bankruptcy case was commenced. See Docket No. 1. The § 341(a) Meeting of Creditors was concluded on April 18, 2023. See Docket No. 24. Confirmation of the Debtor's proposed plan is currently pending. The Debtor bears the burden of proof on all elements of plan confirmation. See In re Hill, 268 B.R. 548, 552 (B.A.P. 9th Cir. 1994). A proposed plan cannot be confirmed until the Court has ensured that all requirements of §1325 have been satisfied. See United Student Aid Funds, Inc. v. Espinosa, 130 S. Ct. 1367, 1380-81 (2010). Trustee

1 objects to confirmation of the proposed plan because it does not satisfy the confirmation
2 requirements of § 1325.

3 Initially, Trustee opposes confirmation as he has not completed his investigation into the
4 Debtor's financial affairs. In order to complete this investigation, the Trustee requests the following:

- 5 - Copies of the Debtor's bank statements as follows:
6 ○ US Bank #2750 / #7175: Nov 14, 2022 thru Feb 14, 2023;
7 ○ Chase #2872 / #9353: Nov 14, 2022 thru Feb 14, 2023;
8 - Copies of the Debtor's filed 2022 federal income tax return;
9 - Copies of Debtor's paystubs and/or proof of income, from all sources, through
10 confirmation.

11 Debtor has a duty to cooperate with the trustee. Failure to do so can result in denial of confirmation
12 and the dismissal of the underlying case. Therefore, confirmation should be denied and the case
13 dismissed if Debtor fails to timely tender the above-mentioned documents to the Trustee.

14 Further, Trustee makes the following objections to the Debtor's schedules and forms:

- 15 - Schedule I — reflect current income and new employer information.

16 Trustee further objects to confirmation because the proposed plan fails to adequately provide
17 for the secured and priority claims of OneMain Financial Group [Claim No. 3], Transport Funding
18 [Claim No. 9], and Internal Revenue Service [Claim No. 5]. Because Debtor's plan fails to comply
19 with § 1325, confirmation should be denied.

20 Trustee further objects to confirmation and requests dismissal on the basis that the Debtor has
21 failed to commence making plan payments. Pursuant to 11 U.S.C. § 1326, Debtors are required to
22 commence making plan payments no later than 30 days after the filing of the plan or the order for
23 relief, which is earlier. Section 1307(c)(4) states that a case may be dismissed or converted for
failure to commence making timely payments under § 1326. Debtor filed the instant petition on
February 14, 2023 and was required to commence making plan payments no later than March 16,

1 2023 and have failed to commence making plan payments. Thus, cause to dismiss this case exists.

2 Section 1325(a) requires the Court to withhold from confirming a plan until the plan
3 complies with the applicable provisions of Title 11. 11 U.S.C. § 1325(a). As such, Trustee requests
4 that this court withhold from confirming any proposed plan until the above objections have been
5 resolved.

6 **CONCLUSION**

7 For the foregoing reasons, the Trustee requests that confirmation be DENIED. Trustee
8 further requests that, that the underlying case be DISMISSED if the Debtor fails to timely resolve
9 this objection to confirmation or become delinquent in plan payments.

10 DATED this 24th day of April, 2023.

11 _____ /s/ Amanda Hunt
12 Amanda Hunt, Esq.
13 Nevada Bar No.: 12644
14 701 Bridger Avenue, Suite 820
Las Vegas, Nevada 89101
Attorney for RICK A. YARNALL
Chapter 13 Bankruptcy Trustee

1 **CERTIFICATE OF MAILING**

2 I hereby certify that I am an employee of RICK A. YARNALL, Chapter 13 Bankruptcy
3 Trustee; that I am over the age of 18 years; and that on the 25th day of April, 2023, I provided a
4 copy of the Trustee's Opposition to Confirmation to each of the following by:

- 5 [X] a. **ECF System:**
- 6 • **SETH D BALLSTAEDT** help@bkvegas.com,
7 ballstaedtecf@gmail.com;r49890@notify.bestcase.com;Brooke@bkvegas.com;
14879@notices.nextchapterbk.com
- 8 • **CARMAX BUSINESS SERVICES LLC**
jeff@jsloanelaw.com;kristi@jsloanelaw.com
- 9 • **JEFFREY G. SLOANE** jeff@jsloanelaw.com, Kristi@jsloanelaw.com
- 10 • **TRANSPORT FUNDING, LLC**
jeff@jsloanelaw.com;kristi@jsloanelaw.com
- 11 • **RICK A. YARNALL** ecfmail@LasVegas13.com,
ecfimport@lasvegas13.com

- 12 [X] b. **United States mail, postage fully prepaid:**

13 CHRISTOPHER DAWON KINDLE
14 10550 W. ALEXANDER RD. 32005
15 LAS VEGAS, NV 89129

16 _____ /s/ Cindy L. Coons
17 Cindy L. Coons, Employee of
18 RICK A. YARNALL
19 CHAPTER 13 BANKRUPTCY TRUSTEE
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22
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